

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

2:09-CV-1598 JCM (LRL)

MARTIN ROY FELDMAN,

Plaintiff,

v.

POKERTEK, INC.,

Defendant.

**ORDER**

Presently before the court is defendant Pokertek Inc.'s (hereinafter "Pokertek") motion to reconsider magistrate judge's order. (Doc. # 27). Plaintiff Marvin Roy Feldman filed an opposition. (Doc # 28). Although defendant's reply deadline was August 1, 2010, defendant has failed to file a reply.

Defendant Pokertek is requesting that this court reconsider Magistrate Judge Leavitt's order (doc. #26) on a motion to extend discovery deadlines. In a previous scheduling order, Magistrate Judge Leavitt extended fact discovery deadlines, but did not find the defendant had demonstrated good cause to extend the expert designation deadline "in order [to] retroactively declare defendant's expert designation timely." (Doc. # 26.).

Pursuant to Fed. R. Civ. P. 60(b) reconsideration may be granted only upon a showing of (1) mistake, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud; (4) a void judgment; (5) a satisfied or discharged judgment; or (6) extraordinary circumstances which would justify relief. According to Local Rule 26-4, a motion to extend a discovery deadline must be supported by a showing of good cause for the extension.

1 Defendant Pokertek requests that language in the scheduling order regarding the timeliness  
2 of its expert designation be removed because it asserts it was not part of the original motion to  
3 extend deadlines. However, this court finds that defendant has not shown good cause pursuant to  
4 Fed. R. Civ. P. 60(b) to amend or reconsider the magistrate judge's order.

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Pokertek's  
6 motion to reconsider magistrate judge's order (doc. #27) be, and the same hereby is, DENIED.

7 DATED August 23, 2010.

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11 UNITED STATES DISTRICT JUDGE  
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